



City Council Meeting

SYNOPSIS

Tuesday, November 28, 2017

SAM LICCARDO, MAYOR

CHAPPIE JONES, DISTRICT 1

SERGIO JIMENEZ, DISTRICT 2

RAUL PERALEZ, DISTRICT 3

LAN DIEP, DISTRICT 4

MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5

DEV DAVIS, DISTRICT 6

TAM NGUYEN, DISTRICT 7

SYLVIA ARENAS, DISTRICT 8

DONALD ROCHA, DISTRICT 9

JOHNNY KHAMIS, DISTRICT 10

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On occasion the City Council may consider agenda items out of order.

- Call Order and Roll Call

9:32 a.m.- Closed Session, Call to Order in Council Chambers
Absent: Carrasco, Peralez. (Excused)

1:32 p.m.- Regular Session, Council Chambers, City Hall
Absent: Carrasco. (Excused)

6:31 p.m.- Public Hearings, Council Chambers, City Hall
Absent: Carrasco. (Excused)

- Invocation (District 10)

Jeff Kramer, CEO/Owner, ComedySportz San José provided the invocation.

- Pledge of Allegiance

Mayor Sam Liccardo led the Pledge of Allegiance accompanied by third-grade students from Lynhaven Elementary School.

- Orders of the Day

The Orders of the Day and the Amended Agenda were approved, with Item 3.3 and 4.1 deferred to December 5, 2017.

- Closed Session Report

None provided

1. CEREMONIAL ITEMS

- 1.1 17-388** Presentation of a proclamation recognizing November 2017 as Sikh Awareness Month in the City of San José. (Arenas)
Mayor Sam Liccardo and Councilmember Sylvia Arenas presented a commendation to members of the Sikh Community recognizing November 2017 as Sikh Awareness Month in the City of San José.
- 1.2 17-403** Presentation of a proclamation recognizing December 1st as World Aids Day in the City of San José. (Perez)
Mayor Sam Liccardo and Councilmember Raul Perez presented a commendation to members of the San José World Aids Day Committee recognizing December 1st as World Aids Day in the City of San José.
- 1.3 17-431** Presentation of a commendation to Ed Mosher for his long-standing downtown store Mosher's Ltd. and for his contributions to the City of San José and his alma mater San José State University. (Mayor)
Mayor Sam Liccardo and Councilmember Raul Perez presented a commendation to Ed Mosher for his long-standing downtown store Mosher's Ltd. and for his contributions to the City of San José and his alma mater San José State University.
- 1.4 17-204** Presentation of a commendation to ComedySportz commemorating its 30th anniversary as the longest running show in Silicon Valley. (Perez/Khamis)
Councilmember Donald Rocha, and Councilmembers Raul Perez and Johnny Khamis presented a commendation to ComedySportz commemorating its 30th anniversary as the longest running show in Silicon Valley.
Heard in the Evening
- 1.5 17-432** Presentation of a commendation to Victor M. Arrañoaga, Jr. for leadership and service to The First Tee of Silicon Valley and San José Youth. (Rocha)
Councilmember Donald Rocha presented a commendation to Victor M. Arrañoaga, Jr. for leadership and service to The First Tee of Silicon Valley and San José Youth.
Heard in the Evening

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

None provided

2.2 17-365

Final Adoption of Ordinances.

Recommendation:

(a) ORDINANCE NO. 30028 - An ordinance of the City of San José amending the San José Municipal Code to add Title 26 for Community Energy. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Attorney/City Manager)

Adopted.

(b) ORDINANCE NO. 30029 - An ordinance of the City of San José amending Sections 20.10.040, 20.50.100, 20.70.100, 20.80.760, 20.80.765, 20.80.775, 20.80.780, 20.80.790, 20.100.1530, 20.100.1535, and 20.100.1540 of Title 20 (Zoning) of the San José Municipal Code relating to medical and non-medical marijuana to change “Medical Marijuana Collective” to “Medical Cannabis Collective,” “Medical Marijuana Collective Cultivation Site Only,” to “Medical Cannabis Collective Cultivation Site Only,” “Medical Marijuana Collective Dispensary Site Only,” to “Medical Cannabis Collective Dispensary Site Only,” and to add “Medical Cannabis Business,” and “Non-Medical Cannabis Business” as newly enumerated restricted uses in specified industrial zoning districts and the downtown primary commercial zoning district and to make other technical, formatting, non-substantive changes. CEQA: Negative Declaration (File No. PP11-039, Resolution No. 75984), as addended by File Nos. PP11-076, PP14-030, PP16-076 and PP17-070; and Statutory Exemption pursuant to Section 26055(h) of the California Business and Professions Code: Without limiting any other statutory exemption or categorical exemption, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. (Planning, Building and Code Enforcement/Police)

PP17-070 - Citywide

Adopted.

(c) ORDINANCE NO. 30030 - An ordinance of the City of San José amending Chapter 6.88 of Title 6 of the San José Municipal Code pertaining to Medical Cannabis Collectives, Medical Cannabis Businesses, Non-Medical Cannabis Businesses and to the personal cultivation and use of cannabis. CEQA: Negative Declaration (File No. PP11-039, Resolution No. 75984), as addended by File Nos. PP11-

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2.2 17-365

Final Adoption of Ordinances (Cont'd).

(c) ORDINANCE NO. 30030 (Cont'd)
076, PP14-030, PP16-076 and PP17-070; and Statutory Exemption pursuant to Section 26055(h) of the California Business and Professions Code: Without limiting any other statutory exemption or categorical exemption, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. (Planning, Building and Code Enforcement/Police)
PP17-070 - Citywide

Adopted.

(d) ORDINANCE NO. 30031 - An ordinance of the City of San José amending Part 12 to Chapter 17.23 of Title 17 of the San José Municipal Code to modify the definition of rental unit, to modify the scope of the exception to the material or habitual lease violation cause for eviction, and to repeal Section 17.23.1290, which suspended Part 6 and Part 7 of this Chapter. CEQA: Statutorily Exempt, File No. PP17-030, CEQA Guidelines Section 15061(b)(3), No potential for causing a significant effect on the environment. (Housing)

Adopted.

(e) ORDINANCE NO. 30032 - An ordinance of the City of San José amending Parts 1 through 8 and adding a new Part 9 to Chapter 17.23 of Title 17 of the San José Municipal Code to revise the Apartment Rent Ordinance. CEQA: Statutorily Exempt, File No. PP17-075, CEQA Guidelines Section 15061(b)(3), No potential for causing a significant effect on the environment. (Housing)

Adopted.

2.3 Approval of Council Committee Minutes.

None provided

2.4 17-374

Mayor and Council Excused Absence Requests.

Recommendation:

(a) Retroactive request for an excused absence for Councilmember Jimenez from the Regular Meeting of the Public Safety, Finance and Strategic Support Committee on November 16, 2017 due to personal travel. (Jimenez)

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment.

Approved.

2.5 City Council Travel Reports.

Councilmember Johnny Khamis discussed his 2017 visit to the City of Tainan, Taiwan where he attended the 40th Anniversary of the Sister City relationship as a representative of the City of San José. He presented a plate to Mayor Sam Liccardo on behalf of the City of Tainan, Taiwan.

2.6 Report from the Council Liaison to the Retirement Boards. None provided

2.7 17-270 Agreement with Steve P. Rados, Inc., for Design and Construction of Fourth Street 84-inch Interceptor Phase VI-A Project.

Recommendation: Adopt a resolution:
(a) Approving the final rankings of the design-build entity that responded to the Request for Proposals for the 4880 - Fourth Street 84 -inch Interceptor Phase VI-A Project (“Project”); and
(b) Authorizing the Director of Public Works to negotiate a Design-Build contract for the Project with Steve P. Rados, Inc.
CEQA: Determination of Consistency with the Mitigated Negative Declaration for Sewer Interceptor Phase VIA Public Project (Resolution No. 77626), File No. PP10-160. (Public Works) (Deferred from 11/7/17 - Item 2.9 to 11/28/17)
Resolution No. 78417 adopted.

2.8 17-359 Actions Related to the Concession Agreement with PRI-San José, LLC.

Recommendation: Approve the Airport Retail Merchandising Unit Concession Agreement (“Agreement”) with PRI-San José, LLC (PRI) for a term of five (5) years from the Commencement Date, with a concession fee payable to the City of San José of the greater of a minimum annual guarantee (“MAG”) or an annual percentage fee of 2.25%. The MAG is established at Year 1 at \$54,000 and escalates annually to Year 5 of the Agreement to \$60,778, for a total minimum guarantee of \$286,695.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Airport)
Approved.

2.9 17-360 Actions Related to the Agreement with ALD Development, Inc. dba The Club at SJC.

Recommendation: (a) Approve the Third Amendment to the Airport Concession Agreement between the City of San José (“City”) and ALD Development, Inc. dba The Club at SJC (ALD) to extend the term through January 31, 2025, add a minimum Mid-Term Refurbishment Capital Expenditure to be made by ALD of \$225,000, increase the

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2.9 17-360 Actions Related to the Agreement with ALD Development, Inc. dba The Club at SJC. (Cont'd)

Gross Revenue percentage fee payable to the City to 13%, retroactive to June 1, 2016, and revise the minimum annual guarantee (“MAG”) to account for impacts from the opening of the new shared use lounge in Terminal A.

(b) Approve a separate Shared Use Lounge Concession Agreement between the City and ALD to design, construct, and operate a new shared use lounge in Terminal A through January 31, 2025, with a minimum of \$2,000,000 in capital investment to be made by ALD, and a concession fee payable to the City of the greater of a MAG of \$136,600 or a percentage fee of 13% of gross revenue annually. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

Approved.

2.10 17-361 Grant Application for the Airfield Electrical System Rehabilitation Project at the Airport.

Recommendation:

Adopt a resolution authorizing the City Manager to apply for, execute, and accept upon receipt, grants from the Federal Aviation Administration (FAA) for the construction portion of the Airfield Electrical System Rehabilitation project at the Norman Y. Mineta San José International Airport in a total amount not to exceed \$8,050,000. CEQA: Determination of Consistency with the Final Environmental Impact Report, as Supplemented, for the San José International Airport Master Plan Update (Resolution Nos. 67380 and 71451), File No. PP17-079. (Airport)
Resolution No. 78418 adopted.

2.11 17-382 Termination of the Proclamation of the Existence of a Local Emergency. DEFERRED

Recommendation:

Adopt a resolution terminating the proclamation of the existence of a local emergency as a result of flooding. CEQA: Exempt, Section 15269, Emergency Projects, Specific actions necessary to prevent or mitigate an emergency. (City Manager)
Deferred to 12/5/17 per Administration.

2.12 17-364 Actions Related to the Purchase Order with Aegis ITS, Inc. for Fiber Optic Cable Services.

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Aegis ITS, Inc. (Anaheim, CA) for fiber optic cable repair, splicing and testing services for a three-year term starting on or about November 28, 2017 and ending on or about November 27, 2020, for an amount not-to-exceed \$354,864; and
- (b) Purchase additional services as needed, subject to the same unit pricing, terms, and conditions, and the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Finance)

Resolution No. 78419 adopted.

2.13 17-357 Sale of a Portion of City-Owned Property Located Northeasterly Corner of Berryessa Road and Mercado Way.

Recommendation:

Adopt a resolution:

- (a) Declaring 783 square feet of vacated street on Berryessa Road, east of Mercado Way, surplus to the needs of the City;
- (b) Authorizing the City Manager or his designee to execute a Purchase and Sale Agreement with the adjacent property owner S.J. Mercado Properties, LLC. in an amount not to exceed \$1,000; and
- (c) Authorizing the City Manager or his designee to execute the sale agreement, the quitclaim deed, and all other documents necessary to complete the transaction.

CEQA: Determination of Consistency to the San José Flea Market General Plan Amendment & Planned Development Rezoning EIR (Resolution No. 73956), GP06-04-01 and PDC03-108. (CEDC)

Resolution No. 78420 adopted.

2.14 17-387 Mayor's Staff Travel to Baltimore, MD.

Recommendation:

Approve travel payments and authorize travel for Mayor's staff, Khanh Russo, Director of Strategic Partnerships, to Baltimore, Maryland, from December 4, 2017 to December 5, 2017 for the 21st Century Cities Symposium. Source of Funds: John Hopkins University. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (Mayor) **Approved.**

2.15 17-358 Vacation of Setback Easement Located at 1199 Crescent Drive.

Recommendation:

Adopt a resolution of intention to vacate the 25-foot and 15-foot light and air easements located at 1199 Crescent Drive and set a Public Hearing on Tuesday, December 19, 2017, at 1:30 p.m. CEQA: Exempt, File No. PP17-069, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 6. (Public Works)

Resolution No. 78421 adopted.

2.16 17-389 District 2 Community Events.

Recommendation:

As recommended by the Rules and Open Government Committee on November 15, 2017:

(a) Retroactively approve the Dumpster Day held on November 11, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Approve the Dumpster Day scheduled on December 9, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(c) Approve the District 2 Holiday Appreciation Party scheduled on December 6, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(d) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jimenez)

[Rules Committee referral 11/15/17 - Item G.1.a.]

Approved.

2.17 17-390 Celebrate Cambrian Festival.

Recommendation:

As recommended by the Rules and Open Government Committee on November 15, 2017:

(a) Approve the Celebrate Cambrian Festival scheduled on August 26, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Rocha)

[Rules Committee referral 11/15/17 - Item G.1.b.]

Approved.

END OF CONSENT CALENDAR

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, David Sykes (Verbal Report)

None provided.

3.2 Labor Negotiations Update. *Accept Labor Negotiations Update.*

None provided.

3.3 17-281 Retirement Services Audit.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on October 19, 2017, accept the audit of Retirement Services. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City actions. (City Auditor) [Public Safety, Finance, and Strategic Support Committee referral 10/19/17 - Item (d)5]
(Deferred from 11/7/17 - Item 3.3 to 11/28/17 - Item 3.3)
Deferred to 12/5/17 per Administration.

3.4 17-265 Actions Related to the Request for Proposal for Transportation Incident Management Center Event Tracking System.

Recommendation: Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:
(a) Negotiate and execute an Agreement with Parsons Transportation Group, Inc. (La Palma, CA) for the purchase and deployment of a Transportation Incident Management Center Event Tracking System, including software, and professional services for project management, software development, implementation, configuration, training and ongoing support and maintenance for an initial term of twelve years ending on or around December 2029, with a maximum compensation not-to-exceed \$1,678,351, including ten years of post-implementation maintenance and support, subject to the appropriation of funds; and
(b) Execute amendments and change orders as may be required for any unanticipated changes to the City's requirements, not to exceed \$255,000, subject to the appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)
(Deferred from 11/7/17 - Item 3.6 to 11/28/17 - Item 3.4)
Resolution No. 78422 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 17-085 Report on the Implementation of the Urban Village Component of the Envision San José 2040 General Plan.

Recommendation: Accept the progress report on the implementation of the Urban Village component of the Envision San José 2040 General Plan, and provide comments on the proposed approach for implementation. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Economic Development/Planning, Building and Code Enforcement)
(Deferred from 5/23/17 - Item 4.1, 6/6/17 - Item 4.1, et al, and 11/14/17 - Item 4.1)
Deferred to 12/5/17 per Administration.

Recommendation:

Accept the Envision San José 2040 General Plan Annual Performance Review 2017 report. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Planning, Building and Code Enforcement)

Accepted. Including Mayor Sam Liccardo's memorandum dated November 28, 2017 to the City Manager with additional direction to maintain existing retail to implement Council-approved objectives of the General Plan, and accelerate development of housing to address our critical needs by: A. Returning to City Council in Spring 2018 with General Plan Text Amendment to:

- 1. Identify criteria enabling landowners to redevelop "opportunity sites"/"locally undesirable land uses" with mixed-use developments that implement Council-approved direction of Recommendations f.2 and 4 of the April 10, 2015 memorandum of Mayor Liccardo, Vice Mayor Carrasco, and Councilmember Jones, and further outlined by Recommendation 2.D.1 of Mayor Liccardo's September 28, 2017 memorandum, approved by the Rules Committee.**
- 2. Develop criteria that allows mixed-use development to occur on commercial lands in Neighborhood Business Districts that are currently not within existing Urban Villages, using the "Signature Project" criteria as a model.**
- 3. Move Urban Villages located on fixed rail transit or Bus Rapid Transit to Horizon 1, that implements Council-approved direction of Recommendation 2.e. of the April 10, 2015 memorandum of Mayor Liccardo, Vice Mayor Carrasco, and Councilmember Jones to identify Urban Villages best timed to proceed based on current or imminent infrastructure investments.**

B. Accepting permit applications in the North San Jose Area Development Policy area for processing 4,000 units of transit-oriented, mixed-use development with the requisite environmental clearances, pursuant to:

- 1. A clear schedule for staff to perform any work required to move forward those applications**
- 2. Criteria approved by Council in April 2016, as reflected in the memorandum dated April 8, 2016 by Mayor Liccardo and Councilmembers Manh Nguyen and Raul Peralez, (see Item A. 1 & 2)**
- 3. Any additional criteria staff deems appropriate to encourage construction of rent-restricted affordable housing.**

C. Adopting the specific criteria described in the November 11, 2017 memorandum co-authored by Councilmembers Rocha, Peralez and Jimenez for sites deed-restricted for 100% affordable housing, where criterion 6 is amended to ensure a predictable, objective measure for required mixed-use development in these projects, such as a minimum 25 FAR requirements for commercial, office, or other employment uses.

D. Accelerating development of the Urban Village Financing Plans by:

- 1. In the event that Council approves direction on the Urban Village Financing Plans on December 5, 2017, provide Council with an Information Memorandum defining the timeline for completion of the plan, and identifying any obstacles that Council might remove to ensure completion of those plans.**

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4.2 17-303 Envision San José 2040 General Plan Annual Performance Review. (Cont'd)

2. In light of our inability to move forward with any significant housing in any urban villages until the completion of the Financing Plans, prioritize the completion of the Financing Plans over all new urban village planning efforts.

3. Once the Financing Plans are completed, comply with prior Council direction regarding focusing future urban village planning efforts on villages located along light rail corridors.

E. Returning to Council in future years with clearly identified performance measures that will be consistently used from one year's report to the next to track progress.

4.3 17-362 Declaration of Continued Shelter Crisis, Designation of Facilities, and Agreement with HomeFirst for Overnight Warming Location Activation

Recommendation:

(a) Adopt a resolution declaring the continued existence of a shelter crisis in the City of San José pursuant to and in accordance with the provisions of California Government Code section 8698 et seq. and designating the following four City owned facilities to be occupied as overnight warming facilities by homeless individuals and families during the crisis:

- (1) Tully Community Library, 880 Tully Rd, San José, CA 95111;
- (2) Southside Senior Center, 5585 Cottle Rd, San José, CA 95123;
- (3) Alum Rock Library, 3090 Alum Rock Ave, San José, CA 95127;

and

- (4) Roosevelt Community Center, 901 E Santa Clara St, San José, CA 95116.

Resolution No. 78423 adopted.

(b) Approve the Second Amendment to an Agreement with HomeFirst increasing the amount of the agreement by \$506,000 to continue operating the Overnight Warming Locations during the 2017-2018 cold weather season.

CEQA: Exempt, File No. PP17-076, CEQA Guidelines Section 15301, Existing Facilities and Section 15269, Emergency Projects. Council Districts 2, 3, 5 & 7. (Housing)

Approved.

5. NEIGHBORHOOD SERVICES

5.1 17-229 Greenprint and Financial Feasibility Study.

Recommendation:

As recommended by the Neighborhood Services and Education Committee on October 12, 2017, accept the report from the Department of Parks, Recreation and Neighborhood Services on the status of the Greenprint Update and Parks Funding Feasibility Study. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 10/12/17 - Item (d)(3)]

Accepted. Including Approval of the memorandum by Mayor Sam Liccardo, and Councilmembers Sergio Jimenez and Donald Rocha, dated November 22, 2017, to:
1. Accept the status report on the Greenprint update and the Parks Funding Feasibility Study.

2. Direct the City Manager to continue public engagement during "Phase 3" of the Greenprint, with a mechanism - such as Mapitas, or other digital tools - that allow residents to crowdsource identification and analysis of future park and trail development sites in San Jose. The tool - along with culturally & linguistically appropriate community outreach - should focus on leveraging community help to identify lower-cost opportunity sites in underserved neighborhoods, such as vacant neighborhood lots, long-abandoned buildings or railroad segments, desirable land held by another public agency (such as the Water District or CalTrans), and underutilized streets or cul-du-sacs.

3. Direct the City Manager to continue to study and prepare for a potential parks revenue measure in 2018 or 2020. Return to Council after "Phase 2" of the Funding Feasibility Study to update Council on the polling results.

Approval of the supplemental staff direction to address Letters from the Public by:

A. The Shasta / Hanchett Park Neighborhood Association; and,

B. Audubon Sierra Club

Approval of Councilmember Johnny Khamis' memorandum, dated November 28, 2017, to:

1) Accept items one (1) and two (2) from the Memorandum dated November 22, 2017 from Mayor Liccardo and Councilmembers Jimenez and Rocha.

2) Direct staff to return in late February with an update if no tax bill is law by then; and,

3) Refer items 3 and 4 from Councilmember Khamis' memorandum to the budget process as follows:

Item 3: Direct City Manager to pursue and implement the automation of processes such as reserving sports fields and park amenities (picnic areas, pavilions, and the like) to create efficiencies and drive additional revenues.

Item 4: Direct City Manager to provide a report to Council on policies that the City Council imposes that artificially raise costs or create banders to volunteer activities that would make General Fund dollars go further. Further, have staff identify options for streamlining City operations or reducing costs - especially on non-core activities – to generate savings that can be used to improve park maintenance.

Accepted.

The Council of the City of San José adjourned the afternoon session at 4:53 p.m.
The Council Meeting reconvened at 6:00 p.m. Mayor Liccardo left the meeting at 5:15 p.m. and Councilmember Rocha chaired the remainder of the meeting.

5.2 17-363 Actions Related to the Tamien Park Phase II Project.

Recommendation: Adopt a resolution authorizing the Director of Public Works to:
(a) Award a construction contract for the Tamien Park Phase II Project to the lowest responsive and responsible bidder in an amount not to exceed \$2,000,000 and to approve a five percent contingency in an amount not to exceed \$100,000; and
(b) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and re-bid the project.
CEQA: Mitigated Negative Declaration for Tamien Park Master Plan (Resolution No. 77407), File No. PP14-057. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services)
CEQA: Mitigated Negative Declaration for Tamien Park Master Plan (Resolution No. 77407), File No. PP14-057. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services)
Resolution No. 78424 adopted with a correction to the title of the Resolution to reflect an amount not to exceed \$2,000,000 as included in the text of the Resolution.

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 17-309 Actions Related to the 7382 - Digester and Thickener Facilities Upgrade Project at the San Jose-Santa Clara Regional Wastewater Facility.

Recommendation: (a) Approve a \$15,000,000 increase to the construction contingency amount of \$13,490,625 for a revised total contingency amount of \$28,490,625 and increasing the contract not-to-exceed amount from \$121,415,625 to a total revised contract amount not-to-exceed \$136,415,625 for the 7382 - Digester and Thickener Facilities Upgrade Project.
Approved.

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7.1 17-309 Actions Related to the 7382 - Digester and Thickener Facilities Upgrade Project at the San Jose Santa Clara Regional Wastewater Facility (Cont'd).

(b) Adopt the following 2017-2018 Appropriation Ordinance Amendments in the San José- Santa Clara Treatment Plant Capital Fund:

(1) Decrease the Yard Piping and Road Improvements appropriation to the Environmental Services Department by \$8,000,000

(2) Decrease the Aeration Tanks and Blower Rehabilitation appropriation to the Environmental Services Department by \$7,000,000; and

(3) Increase the Digester and Thickener Facilities Upgrade appropriation to the Environmental Services Department by \$15,000,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment, and San José-Santa Clara Regional Wastewater Facility Digester and Thickener Facilities Upgrade Project Mitigated Negative Declaration, File No. PP15-055. (Environmental Services/City Manager)

Ordinance No. 30035 adopted.

8. PUBLIC SAFETY

8.1 17-386 2017 Fireworks Ordinance Workplan.

Recommendation:

(a) Council determination that the amount of notice to the public is appropriate and therefore waive the 10-day noticing requirement for the distribution of the 2017 Fireworks Ordinance Workplan status report, and consider the following recommendation.

(b) Accept the 2017 Fireworks Ordinance Workplan status report.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Fire)

The Staff report was unanimously approved, including the ‘carve-out’ pilot program, and instructions to ‘sunset’ and review it next year. Work on clarifying the language was recommended, with directives to release that information in a memo once it is developed.

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

- (a) **17-263** **Conforming Rezoning of Real Property Located at 1087 Meridian Avenue.**

Recommendation: Consideration of an ordinance of the City of San José rezoning a 0.2-acre portion of a larger 1.13-gross acre site, located at 1087 Meridian Avenue (northwest corner of Meridian Avenue and Willow Street) from CO Commercial Office Zoning District to CP Commercial Pedestrian Zoning District (Penco Association, Owner). CEQA: Determination of Consistency with the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
C17-042 - Council District 6
Ordinance No. 30036 passed for publication.

- (b) **17-269** **Conforming Rezoning of Real Property Located at 771 Almaden Avenue.
*DROP***

Recommendation: Consideration of an ordinance of the City of San José rezoning a 0.157-gross acre site, located at the west side of Almaden Avenue approximately 150 feet northerly of West Virginia Street (771 Almaden Avenue) from the CN Neighborhood Commercial Zoning District to the R-2 Two-Family Residence Zoning District (Sean Huang, Owner). CEQA: Exempt per CEQA Guidelines 15303(b) for New Construction or Conversion of Small Structures. (Planning, Building and Code Enforcement)
C17-011 - Council District 3
Dropped. Withdrawn per Applicant.

- (c) **17-356** **Conforming Rezoning for Real Property Located at 1508 Murphy Avenue.
*DROP***

Recommendation: Consideration of an ordinance of the City of San José rezoning an approximate 0.45-gross acre site, located at the southeast corner of Murphy Avenue and Ringwood Avenue (1508 Murphy Avenue) from the A Agricultural Zoning District to the R-M Multiple Residence Zoning District for residential uses (Long Ju Lin And Tsao Yu Chi, Owner). CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structure. (Planning, Building and Code Enforcement)
C17-020 - Council District 4
Dropped. Renoticed per Administration.

(d) 17-377 Conforming Rezoning for Real Property Located at 440 West Julian Street.

Recommendation: Consideration of an ordinance of the City of San José rezoning a 5.38-gross acre site, located at the northeast corner West Julian Street and North Autumn Street (440 West Julian Street) from Light Industrial and Heavy Industrial Zoning Districts to the Transit Employment Center Zoning District (Michael Akatiff, Owner). CEQA: Determination of Consistency with Envision San José 2040 General Plan Environmental Impact Report (Resolution No. 76041) and Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77517), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
C17-038 - Council District 3
Ordinance No. 30037 passed for publication.

(e) 17-378 Conforming Rezoning for Real Property Located at 1593 Monterey Road.

Recommendation: Consideration of an ordinance of the City of San José rezoning a 0.3-gross acre site, located on the northwest corner of Monterey Road and Bellevue Avenue (1593 Monterey Road) from the LI Light Industrial Zoning District to the CN Commercial Neighborhood Zoning District. CEQA: Determination of Consistency with Envision San José 2040 General Plan EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Program EIR (Resolution No. 77517), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
C17-001 - Council District 7
Ordinance No. 30038 passed for publication.

(f) 17-379 Conforming Rezoning for Real Property Located at 6970 Santa Teresa Boulevard.

Recommendation: Consideration of an ordinance of the City of San José rezoning a 0.51-gross acre site, located at the north east corner of Santa Teresa Boulevard and Realm Drive (6970 Santa Teresa Boulevard) from the IP Industrial Park Zoning District to the CP Commercial Pedestrian Zoning District (American Real Estate Group LLC, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
C17-039 - Council District 2
Ordinance No. 30039 passed for publication.

OPEN GENERAL PLAN AMENDMENT HEARING THIRD CYCLE

- (g) 17-353 **General Plan Amendment: Land Use/Transportation Diagram Located at 2720 Booksin Avenue. *DROP***

Recommendation:

General Plan Amendment to change the Land Use/Transportation Diagram from Public Quasi Public to Residential Neighborhood to allow for residential uses on a 1.65-gross acre site, located on the easterly corner of Booksin Avenue and the terminus of Wawona Drive (2720 Booksin Avenue) (Lincoln Glen Church, Owner). CEQA: 2700 Booksin Avenue General Plan Amendment Initial Study/Negative Declaration. (Planning, Building and Code Enforcement)
GP16-012 - Council District 9
Dropped. Withdrawn per Applicant.

- (h) 17-380 **General Plan Amendment: Land Use/Transportation Diagram.**

Recommendation:

(a) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

(b) Adopt a Resolution approving a General Plan Amendment to address Land Use/Transportation Diagram errors at locations within the boundaries of the Rincon South Urban Village, Jackson-Taylor Specific Plan, Martha Gardens Specific Plan, and Evergreen Village. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)
GP17-014 - Council Districts 3 and 8
Deferred to 12/12/17 per Administration.

(i) 17-381

General Plan Text Amendment: Envision San José 2040 General Plan and The Alameda (East) Urban Village Plan.

Recommendation:

(a) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

Approved.

(b) Adopt a resolution approving a General Plan Text Amendment to make minor modifications to the Envision San José 2040 General Plan and the Alameda (East) Urban Village Plan, including clarifying revisions to General Plan Policy IP-2.11 and The Alameda (East) Urban Village Policy LU-2.1, updates to Appendix 5 of the General Plan, and other minor grammatical and clarifying revisions.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0).

(Planning, Building and Code Enforcement)

GPT17-003 – Citywide

Resolution No. 78425 adopted.

(j) 17-383

General Plan Text Amendment: General Plan Land Use Designations.

Recommendation:

(a) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

Approved.

(b) Adopt a resolution approving a General Plan Text Amendment to clarify General Plan Land Use designations associated with the vacation or sale of City right-of-way and State freeways and transportation corridors.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San Jose General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0).

(Planning, Building and Code Enforcement)

GPT17-004 – Citywide

Resolution No. 78426 adopted.

(k) 17-384 General Plan Text Amendment: Diridon Station Area Plan.

Recommendation:

(a) Consider the Determination of Consistency with the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096), and Addenda thereto.

Approved.

(b) Adopt a resolution approving a General Plan Text Amendment to add text from the adopted Diridon Station Area Plan Final Program Environmental Impact Report to the General Plan, and associated General Plan Amendment to reinstate the Downtown Core and modify the boundaries of the Midtown Specific Plan and the Downtown Growth Area.

CEQA: Determination of Consistency with the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096) and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning Building and Code Enforcement) GPT17-005/GP17-011 - Council District 3

Resolution No. 78427 adopted.

(l) 17-385 General Plan Text Amendment: Revision to Policy IP-5.10.

Recommendation:

(a) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

Approved.

(b) Adopt a resolution approving a General Plan Text Amendment to revise Policy IP-5.10 to clarify that the commercial component of a Signature Project must be constructed before or concurrently with residential uses.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

GPT17-006 – Citywide

Resolution No. 78428 adopted.

END OF CONSENT CALENDAR

10.2 17-207

**Appeal Hearing on Conditional Use Permit and Site Development Permit for the Real Property Located at 3702 South Bascom Avenue.
*DEFERRED***

Recommendation:

(a) Conduct an Administrative Hearing and consider the Permit Appeal of the Planning Commission's approval of the Conditional Use Permit and Site Development Permit to allow the demolition of an existing 1,276-square foot gas station convenience store with incidental service and vehicle repair, and the construction of a new 5,754-square foot convenience store and fully automated car wash, and early morning use for the gas station and convenience store only (one-hour extension between 5:00 a.m. and 6:00 a.m.), a temporary use trailer, and an exceedance of the Zoning Ordinance noise performance standards by two decibels.

(b) Adopt a resolution denying the permit appeal and approving the Conditional Use Permit and Site Development Permit, subject to Conditions, to allow the demolition of an existing 1,276-square foot gas station convenience store with incidental service and vehicle repair, and the construction of a new 5,754-square foot convenience store and fully automated car wash, and early morning use for the gas station and convenience store only (one-hour extension between 5:00 a.m. and 6:00 a.m.), a temporary use trailer, and an exceedance of the Zoning Ordinance noise performance standards by two decibels on an approximately on a 0.81-gross acre site located at 3702 South Bascom Avenue (southeast corner of South Bascom Avenue and Woodard Road).

CEQA: Exempt per CEQA Guidelines Section 15302 for Replacement or Reconstruction and 15332 for Infill Development Projects. Planning Commission approved the Conditional Use Permit and Site Development Permit (4-3-0; Phan, Bit-Badal opposed). (Planning, Building and Code Enforcement)

CP16-035 - Council District 9. (Deferred from 10/24 - Item 10.4)

Deferred to 12/12/17 per Applicant.

10.3 17-354

General Plan Amendment: Land Use/Transportation Diagram Located at 100 South Capitol Avenue.

Recommendation:

Adopt a resolution approving a General Plan Amendment to change the Land Use/Transportation Diagram from Neighborhood/Community Commercial to Residential Neighborhood on a 0.35-gross acre site., located on the southeast corner of South Capitol Avenue and Rose Avenue (100 South Capitol Avenue) (Nguyen Hiep Van Trustee, Owner). CEQA: Exempt per CEQA Guideline Section 15303 for New Construction or Conversion of Small Structures. Planning Commission recommends approval (6-0-1, Ballard absent). (Planning, Building and Code Enforcement)

GP17-001 - Council District 5

Resolution No. 78429 adopted.

10.4 17-355 General Plan Amendment: Land Use/Transportation Diagram Located at 370 West Trimble Road.

Recommendation:

(a) Adopt a resolution approving the 350/370 West Trimble Road General Plan Amendment Initial Study/Negative Declaration.

Resolution No. 78430 adopted.

(b) Adopt a resolution approving a General Plan Amendment to change the Land Use/Transportation Diagram from Industrial Park to Combined Industrial/Commercial on a 19.4 gross acre site, located on the southwest corner of West Trimble Road and Orchard Parkway (370 West Trimble Road) (370 West Trimble Rd Corp, Owner).

CEQA: 350/370 West Trimble Road General Plan Amendment Initial Study/Negative Declaration. Planning Commission recommends approval (6-0-1, Ballard absent). (Planning, Building and Code Enforcement)

GP17-007 - Council District 4

Resolution No. 78431 adopted.

• Open Forum

1. Shannon Sampson offered comments on transportation and on the B.A.R.T.
2. Blair Beekman offered comments on the 181 bus and the B.A.R.T.

• Adjournment

Councilmember Donald Rocha adjourned the Council meeting of the City of San José at 8:59 p.m.